

H. R. 493.

[No Report.]

IN THE HOUSE OF REPRESENTATIVES,

MARCH 3, 1851.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. MEADE, from the Committee on the Judiciary, reported the following bill:

A BILL

To establish a Judicial District in the western part of the State of New York.

1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the United States of America in Congress*
3 *assembled, That for the more convenient transaction of*
4 *business in the courts of the United States within the*
5 *State of New York, the counties of Broome, Tioga, Che-*
6 *mung, Steuben, Yates, Seneca, and Wayne, together with*
7 *all that part of the said State lying westerly of the said*
8 *above-mentioned counties, shall compose one judicial dis-*
9 *trict, to be called the western district of New York; and*
10 *all the remaining part of the present northern district of*
11 *New York shall be a separate district and shall continue*

12 to be called the northern district of New York ; that the
13 terms of the district and circuit courts now appointed to
14 be held in that part of the said northern district of New
15 York which is hereafter, by the provisions of this act, to
16 constitute the northern district of New York, shall continue
17 to be held therein at the times and places now provided for
18 holding the same under the existing law ; and that instead
19 of the terms now appointed by law to be held for the said
20 northern district at the cities of Rochester and Buffalo,
21 one or more terms shall be held in each year at such times
22 and places within the said northern district of New York,
23 as the judge thereof, by a notice of at least forty days, to
24 be published in the State paper of the State of New York,
25 shall from time to time appoint ; that a term of the district
26 court for the said western district of New York shall be
27 held at the city of Rochester, on the third Tuesday in May,
28 and another at the city of Buffalo on the second Tuesday
29 in October in each year, and at least two other general
30 terms of the said court in each year shall be held in the
31 said district at such times and places as the judge thereof,
32 by a notice of at least forty days, to be published in the
33 State paper of the State of New York, shall from time to
34 time appoint ; and that the term of the circuit court now
35 appointed to be held for the said northern district of New
36 York, at the village of Canandaigua, shall continue to be

37 held for the said western district of New York in Canan-
 38 daigua aforesaid, at the time and place now appointed by
 39 law; but nothing herein contained shall prevent the judge
 40 of the said western district from holding special terms of
 41 the district court of said district in addition to the regular
 42 terms thereof, whenever he shall deem it necessary.

1 **SEC. 2.** *And be it further enacted,* That the Presi-
 2 dent of the United States be, and he is hereby authorized,
 3 by and with the advice and consent of the Senate, to ap-
 4 point a district judge of the said western district of New
 5 York, which judge when appointed shall receive a salary
 6 of ~~one thousand dollars~~ **dollars per annum**, to be paid in
 7 the same manner as the salary of the judge of the said
 8 northern district of said State; and he shall hold the dis-
 9 trict court in and for the said western district, and also do
 10 and perform all such other duties as now are or shall here-
 11 after be enjoined on, or shall in any wise appertain to, a
 12 district judge of the United States.

1 **SEC. 3.** *And be it further enacted,* That the President
 2 of the United States by and with the advice and consent
 3 of the Senate, be, and he hereby is, authorized to appoint
 4 one person as marshal, and one person as district attorney
 5 for the said western district, whose terms of appointment
 6 and service as well as duties and emoluments shall be the
 7 same as those respectively annexed to the said offices in

8 the said northern district of New York, and the present
9 judge, district attorney and marshal of the northern district,
10 shall respectively be judge, district attorney, and marshal
11 of said northern district as constituted under the provisions
12 of this act

1 SEC. 4 *And be it further enacted*, That the judge
2 of the said district court for the said western district shall
3 appoint a suitable person to be clerk of the said court, and
4 the said clerk shall keep his office at such place in the said
5 district as the said judge shall direct, and shall charge and
6 receive the same fees for his services as clerk, as the clerk
7 of the district court of the said northern district is now by
8 law authorized to charge and receive for similar services.

1 SEC. 5. *And be it further enacted*, That all criminal
2 actions and civil suits either in law or equity, and all suits
3 and proceedings in admiralty which shall be pending and
4 undetermined in the district court of the said northern dis-
5 trict of New York at the expiration of ten days after the
6 passage of this act, and which have arisen in the said wes-
7 tern district, or been brought against persons residing
8 therein, or concerning lands situated in said district, or
9 commenced in admiralty against steamboats or vessels
10 situated therein, together with all process, writs, recogni-
11 zances, pleadings, proceedings, and records belonging
12 thereto shall be transferred to, proceeded in, and determined

13 in the said western district in the same manner and with
14 the like effect as if originally commenced therein; and the
15 said district and circuit courts of the said western district
16 shall possess and exercise all necessary powers for the
17 removal of papers and files relating to such actions, suits,
18 process, pleadings and other proceedings to the said west-
19 ern district: *Provided*, That nothing herein contained
20 shall be construed to discharge or invalidate any bond, re-
21 cognizance or other undertaking made or entered into in
22 any of the actions, suits, or proceedings hereby directed
23 to be removed; but the same shall continue of the same
24 force and validity as though this act had not been passed,
25 and shall be held and taken to apply to the terms of, and
26 the proceedings in, the said court of the United States for
27 the said western district in the same manner and with the
28 like effect as if the same had been originally taken therein.